

**AMENDMENT TRANSMITTAL LETTER**Docket No.
SPINE 3.0-437 CIP CIP CIP CIP CIP CON VIApplication No.
10/642,529-Conf. #3170Filing Date
August 15, 2003Examiner
B. E. PellegrinoArt Unit
3738

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INTERVERTEBRAL SPACER DEVICE HAVING A CIRCUMFERENTIALLY BURIED WIRE
MESHENDPLATE ATTACHMENT DEVICE**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	10	- 20 =	0	x 50.00	0.00
Independent Claims	1	- 3 =	0	x 200.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: October 5, 2006Raymond Garguilo, Jr.
Attorney/Agent Reg. No.: 50,930LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 5, 2006

Signature: (Raymond Garguilo, Jr.)



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Dated: October 5, 2006

Signature: _____

(Raymond Garguilo, Jr.)

Group Art Unit: 3738

Docket No.: SPINE 3.0-437 CIP CIP CIP CIP CIP CON VI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Errico et al.

Application No.: 10/642,529

Filed: August 15, 2003

For: INTERVERTEBRAL SPACER DEVICE
HAVING A CIRCUMFERENTIALLY
BURIED WIRE MESHENDPLATE
ATTACHMENT DEVICE

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: Group Art Unit: 3738
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: Examiner: B. E.
: Pellegrino
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AMENDMENT

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated July 5, 2006, finally rejecting claims 21-40, please amend the above-identified U.S. patent application as follows:

Applicant submits a Request for Continuation of Examination herewith.